

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/1045	Case Officer:	Caroline Grist
Application Type:	Full Application		
Proposal:	Demolition of an existing dwelling and construction of a replacement self-build dwelling with a 2 bed annexe for ancillary use to main dwelling, rear balcony and indoor swimming pool		
Site:	The Brook, Cuttinglye Road, Crawley Down, Crawley, West Sussex, RH10 4LR, ,		
Validation Date	27 Apr 2026	Overall Expiry Date:	2 Jun 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	31 Jul 2026
Target Date:	22 Jun 2026	Recommending Officer Signature:	<i>Caroline Grist</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	5 Aug 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/1045

**The Brook, Cuttinglye Road, Crawley Down, Crawley, West Sussex, RH10 4LR,
Demolition of an existing dwelling and construction of a replacement self-build dwelling with a 2
bed annexe for ancillary use to main dwelling, rear balcony and indoor swimming pool
Mr And Mrs G Roff**

SUMMARY OF REPRESENTATIONS

One representation has been received from the Upper Medway Internal Drainage Board. It raises that the site is near to the Internal Drainage District of the Upper Medway Internal Drainage Board and is within the Board's watershed catchment. As such comments have been provided in relation to surface water, foul water and a nearby water course. It highlights that consent will need to be separately sought from the Board and will only be fully considered once they receive an application.

It should be noted that other regulatory systems are not considered to be a material planning consideration. Drainage will, however, be considered as a planning matter in the following assessment. An informative can also be attached to any consent to draw the applicant's attention to this regulatory requirement.

SUMMARY OF CONSULTEES

Southern Water

The development site is not located within Southern Water's statutory area for water supply services.

MSDC Ecology

No objection subject to condition.

MSDC Flood Risk and Drainage Engineer

No objection subject to condition.

Newt Officer

No objection subject to condition.

MSDC Tree Officer

No objection subject to condition.

PARISH COUNCIL OBSERVATIONS

Defer to Officer.

INTRODUCTION

The application seeks planning permission for the demolition of an existing dwelling and construction of a replacement self-build dwelling with a 2 bed annexe for ancillary use to main dwelling, rear balcony and indoor swimming pool.

RELEVANT PLANNING HISTORY

WP/084/76 - Extension. Permission.

WP/146/78 - Extension to dwelling house to provide accommodation for housekeeper nurse, erection of garage and workshop/shed. Permission.

DM/18/3122 - Demolish existing stable buildings and replace with new stables with accommodation above, ancillary to The Brook. Withdrawn.

SITE AND SURROUNDINGS

The application relates to The Brook, a north facing, detached dwelling. It is a single storey house with a two storey annexe attached to the side. The elevations of the property are finished in brick, render and stone and has a pan tile roof. The windows are upvc. The dwelling has benefited from a range of extensions and outbuildings to the rear, as well as a triple garage and sheds to the front.

The application site is located outside of a built up area boundary and is therefore within the countryside. Neighbouring dwellings are situated to the east and west, whilst the highway is to the north. The existing dwelling is set back from the highway and the land falls away from the property. Areas of woodland are situated between the dwelling and the highway as well as to the east and west of the house. This woodland is designated Ancient Woodland and the existing dwelling and part of its curtilage lies within the 15 metre buffer zone.

APPLICATION DETAILS

Planning permission is sought to demolish the existing dwelling and construct a two storey dwelling with an attached annexe.

The ground floor of the main house would comprise an entrance hall, w.c., snug, bedroom with en-suite, kitchen/dining/family room, utility room, boot room. A single storey projection to the side is to accommodate a swimming pool with steam room, shower, w.c. and plant room. Three bedrooms are proposed on the first floor, two of which would have en-suites and walk in wardrobes, as well as a bathroom and study.

The annexe is also to be arranged over two floors and revised plans have been provided in relation to this part of the dwelling. It remains the case, however, that a w.c. kitchen/living/dining area are proposed on the ground floor and two bedrooms and a bathroom are shown on the first floor.

The submitted plans also show a second floor, within the roofspace, where loft space and a plant room is shown.

The dwelling is to be finished in locally sourced bricks, with a clay tile roof and upvc/aluminium windows and doors.

The plans show that the existing garage building is to be retained as well as the existing access into the site.

LEGAL FRAMEWORK AND LIST OF POLICIES

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Specifically Section 70 (2) of the Town and Country Planning Act 1990 states:

'In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to application, and*
- b) Any local finance considerations, so far as material to the application, and*
- c) Any other material considerations.'*

Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy, but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocations Development Plan Document (DPD) and the Slaugham Neighbourhood Plan.

National policy (which is contained in the National Planning Policy Framework (NPPF) and National Planning Policy Guidance) does not form part of the development plan, but is an important material consideration.

Mid Sussex District Plan

The District Plan was adopted at Full Council on 28th March 2018.

Relevant policies:

DP12 - Protection and Enhancement of Countryside
DP15 - New Homes in the Countryside
DP21 - Transport
DP26 - Character and Design
DP27 - Dwelling Space Standards
DP30 - Housing Mix
DP37 - Trees, Woodland and Hedgerows
DP38 - Biodiversity
DP39 - Sustainable Design and Construction
DP41 - Flood Risk and Drainage

Site Allocations DPD

The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031.

No relevant policies.

Crawley Down Neighbourhood Plan

The Crawley Down Neighbourhood Plan was made on 28th January 2016.

Relevant policies:

CDNP05 - Control of New Developments
CDNP06 - Sustainable Drainage Systems
CDNP09 - Protect and Enhance Biodiversity

Other Material Considerations

Mid Sussex District Plan 2021 - 2039 - Submission Draft (Regulation 19)

The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and hearings were concluded on 19th March 2026. The District Plan remains at Examination until the Inspector has published his report, until that time only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.

Relevant policies:

DPS1 - Climate Change
DPS2 - Sustainable Design and Construction
DPS4 - Flood Risk and Sustainable Drainage
DPC1 - Protection and Enhancement of Countryside
DPC3 - New Homes in the Countryside
DPB1 - Character and Design
DPT3 - Active and Sustainable Travel
DPT4 - Parking and Electric Vehicle (EV) Charging Infrastructure
DPH1 - Housing
DPH2 - Sustainable Development - Outside the BUA
DPH6 - Self and Custom Build Housing
DPH11 - Dwelling Space Standards

Mid Sussex Design Guide Supplementary Planning Document (SPD)

The Council has adopted a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide was adopted by Council on 4th November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.

National Planning Policy Framework (NPPF) (December 2024)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three overarching objectives to sustainable development, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). The three objectives are economic, social and environmental.

Paragraph 9 of the NPPF states *'these objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.'*

Paragraph 11 of the NPPF sets out that for both plan-making and decision-taking, the presumption in favour of sustainable development should apply.

Paragraph 12 of the NPPF states;

'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that

depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'

Paragraph 39 of the NPPF states;

'Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.'

With specific reference to decision-taking paragraph 48 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

National Design Guide

Published in 2021, the National Design Guide illustrates how the government consider well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice.

Paragraph 134 of the NPPF sets out that this national document, along with the National Model Design Code, should be used to guide decisions on application in the absence of locally design guides or design codes.

Technical Housing Standards

ASSESSMENT

It is considered that the main issues that need to be considered in the determination of this application are as follows;

- o Principle
- o Design, Impact on the character of the area
- o Highways
- o Impact on Residential Amenity
- o Trees, Hedgerows and Ancient Woodland
- o Housing Standards
- o Self-build
- o Flood Risk and Drainage
- o Ecology
- o Sustainability
- o Biodiversity Net Gain
- o Planning Balance and Conclusion

Principle

As noted above, planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

In terms of policy designations, the starting point for this assessment is that the application site falls outside of the built-up area of Crawley Down as defined by the District Plan. As such the site is located within the defined Countryside.

Policy DP12 of the District Plan refers to the protection of the Countryside and states, in part, that development will be permitted in the countryside provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and is necessary for the purposes of agriculture or is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.

Policy DP15 of the Mid Sussex District Plan contains policy justification for replacement dwellings. It in part states:

'Replacement dwellings in the countryside will be permitted where:

- o The residential use has not been abandoned;*
- o Highway, access and parking requirements can be met; and*
- o The replacement dwelling maintains or where possible enhances the quality of the natural and/or built landscape particularly in the High Weald Area of Outstanding Natural Beauty, especially if a significant change in scale from the existing dwelling is proposed.'*

The application site is situated on Cuttinglye Road, where established residential development is situated along the road and, as such, the replacement of the existing dwelling is not considered to adversely affect the character of the countryside area. There is currently a dwelling on the site that is understood to have been lived in until recently. On this basis it is considered that the residential use has not been abandoned. The proposal would use the existing access as well as provide parking provision. A more detailed design and highways assessment will follow in the report.

Revisions have also been made to the submitted plans regarding the proposed annexe accommodation. The existing dwelling currently has an attached annexe, with access gained through a bedroom in the main house or an external door. On the ground floor there is a lounge, kitchen, dining room and utility room. Three bedrooms and a bathroom are located on the first floor.

As submitted, the proposed floor plans showed that the annexe would, again, cover two floors and have connections to the main house through a ground floor bedroom and an external door. The ground floor would contain a w.c. as well as a kitchen/living/dining area some 9.5 metres deep, whilst two bedrooms and a shower/w.c. were proposed on the first floor.

Whilst the existing layout of the dwelling was acknowledged, the current annexe arrangement related to a planning permission from 1978. As such, planning policy has developed and concerns were expressed relating to the annexe essentially forming a separate dwelling in its own right, as no meaningful dependency on the main house was shown and only one internal link between the annexe and main house was provided through a bedroom. Revised plans have been provided that shows the living/kitchen/dining area connecting to the equivalent space in the main house. A first floor door is also shown, which would connect bedroom 3 in the main house to a bedroom in the annexe.

Additionally the agent has advised:

'The annex is for elderly parents, the layout is a direct response to Policy DP28. It allows for independent but supported living, reducing the future social care burden on Mid Sussex District Council.

As highlighted in our previous correspondence, there are a number of planning permissions granted by Mid Sussex District Council for very similar ancillary annex arrangements, where occupation has been controlled through planning conditions rather than requiring the removal or redesign of the accommodation. We therefore consider that the same approach would be appropriate in this case.

In addition, the entrance door serving the annex on the front elevation has been carefully designed to remain in proportion with the overall appearance of the dwelling. The positioning of this door is on a setback elevation subsequent to the main entrance which mirrors the boot room access on the left of the property. This arrangement provides symmetry and coherent design.

The intention of the proposal remains unchanged. The replacement dwelling is designed to provide accommodation for multi-generational family living, including the care and support of elderly parents, while remaining as a single-family home.

It is also worth reiterating again that the proposed ancillary annex is smaller than the existing annex that will be demolished as part of the redevelopment of the site. Consequently, the proposal does not result in an increase in the scale of ancillary accommodation and instead provides a more efficient and better integrated arrangement within the replacement dwelling'.

An assessment for each application received for annexe accommodation is assessed on a case by case basis, on its own merits. Examples previously put forward are not considered to be comparable to the current application, due to the planning history, scale and location of annexe buildings. The revisions made to the plans, however, alongside the need for suitable accommodation for an elderly relative and the existing annexe are considered relevant factors. On balance these matters, alongside a condition relating to the use of the annexe space, would be considered sufficient for this space to be viewed as an annexe and not the creation of a second dwelling.

Taking into account the above and subject to the subsequent sections regarding highways access, parking arrangement and impact on the character of the area, the principle of a replacement dwelling is considered acceptable and complies with above-mentioned parts of policies DP12 and DP15 of the Mid Sussex District Plan.

As per planning legislation, a decision must be made in accordance with the development plan unless there are any material planning considerations which indicate otherwise.

The policies contained within the NPPF are material considerations which should be taken into account in the determination of this application. This is confirmed within paragraph 231 of the NPPF.

Paragraph 232 clarifies that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

Paragraph 11 of the NPPF sets out that plans and decisions should apply a presumption in favour of sustainable development, and states;

'For decision-taking this means;

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development policies, or the policies which are most important for the determining the application are out-of-date, granting planning permission unless;

i. The application of policies within this Framework that protect areas of assets of particular importance provides a strong reason for refusing development proposed; or

ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.'

Footnote 7 of paragraph 11(i) clarifies that the policies referred to are those in this Framework (rather than those in development plans) and relate to habitats sites (and those and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets and other heritage assets of archaeological interest; and areas at risk of flooding or coastal change.

Footnote 8 of paragraph 11 clarifies that for applications involving the provision of housing, in situations where the local planning authority cannot demonstrate a five year land supply of delivery housing sites (with an appropriate buffer) or where the Housing Delivery Test indicates that delivery of housing has been substantially below (less than 75%) of the housing requirement for the last three years, then relevant policies for the supply of housing should be considered out-of-date.

Having regard to the above, while the Council has performed excellently in respect of the Housing Delivery Test, a new standard method formula was published alongside the NPPF which gives Mid Sussex a significantly higher housing requirement than the current District Plan. As a result, and having

regard for the need for an appropriate buffer, the Council is unable to demonstrate a five year supply of deliverable housing sites as per the requirements of paragraph 78 of the NPPF.

In light of the above, this development needs to be considered in the context of the presumption in favour of sustainable development. If a development is found to be sustainable, that would weigh heavily in favour of granting permission in the paragraph 11(d) balance. If however the development is not found to be sustainable, that is not the end of the matter; the Local Planning Authority still need to go through the weighing up process between the positive benefits of the scheme against any harm that may be caused, having particular regard for the key policies indicated in paragraph 11(d)(ii).

As part of this process, the weight to be given to development plan policies will need to be assessed against the degree of conformity with the NPPF.

Policy DP12 (Protection and Enhancement of the Countryside) seeks to protect the intrinsic character and beauty of the countryside. While it does seek to restrict certain forms of development, it is not considered to be a policy directly related to the supply of housing, however it is recognised that given the Council's is unable to demonstrate a five year land supply and given the aim of the NPPF to boost significantly the supply of housing, the weight that can be afforded to this policy is moderate.

Policy DP15 (New Homes in the Countryside) identifies the types of new homes that will be permitted in the countryside, where special justification exists. While this policy relates to the provision of housing, the aims are consistent with paragraphs 82 - 84 of the NPPF and as such this policy can be given full weight.

Therefore the key test that must be undertaken when assessing this application is as set out within para 11(d) of the NPPF.

The following sections of the report will consider the relevant matters associated with the proposed development in the context of the development plan and other material considerations, including the NPPF in order to undertake the necessary tilted balance assessment outlined above.

Design and impact on the character of the area

Policy DP26 of the Mid Sussex District Plan states:

'All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:

- o is of high quality design and layout and includes appropriate landscaping and greenspace;*
- o contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- o creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- o protects open spaces, trees and gardens that contribute to the character of the area;*
- o protects valued townscapes and the separate identity and character of towns and villages;*
- o does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP27);*
- o creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- o incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- o positively addresses sustainability considerations in the layout and the building design;*
- o take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- o optimises the potential of the site to accommodate development.'*

Policy CDNP05 of the Crawley Down Neighbourhood Plan is also considered to be relevant and, in part, states:

'Subject to the other policies of this Neighbourhood Plan; Within the Crawley Down Neighbourhood Plan Area, planning permission will be granted for residential development subject to the following criteria:

a) The scale height and form fit unobtrusively with the surrounding buildings and the character of the area or street scene and where appropriate, special regard should be had to sustaining and enhancing the setting and features of heritage assets and the Areas of Townscape Character'.

Principle DG38 of the Design Guide is also considered to be relevant and states:

'Applicants should establish an architectural approach and identity in the design of building that is borne from the place.

The facade and elevational treatment, roofscape fenestration and materials used in existing buildings within the locality should be a starting point for the consideration of architectural design of new buildings. However, this should not result in pastiche replicas of traditional buildings. Instead a re-interpretation of key aspects of their form should be demonstrated.

Good architecture involves the successful co-ordination of proportions, materials, colour and detail. Buildings should therefore be holistically designed with each part in harmony with its whole while appropriately responding to both its context and modern living requirements. This includes:

- o The elevational treatment and overall façade design;*
- o The placement, proportions and design of windows, doors and balconies;*
- o A roofscape and form that creates a harmonious composition and minimises the visual impact of downpipes and guttering;*
- o The appropriate incorporation of dormer windows and chimneys;*
- o An appropriate palette of good quality materials that are preferably locally sourced.'*

The proposed dwelling is to be sited in a similar position to the existing dwelling. Whilst the footprint of the proposed building is comparable to the existing building, as set out within the supporting information, it would be increasing in visual scale as the bungalow is to be replaced with a two storey building.

It is considered, however, that the current proposal presents a more unified design than the current building, which has been affected by previous extensions. The design of the building is relatively traditional in its appearance and this design approach is not uncommon within the area. This is also reflected in the materials, which are to be brick elevations with clay roof tiles. A single storey projection and two storey annexe are proposed to each side of the building, however each is to have a set back that would provide visual relief.

There are a variety of dwellings located along Cuttinglye Road and it is considered that the proposal would appear in keeping with the style and forms of houses along the road. Furthermore the house is set behind an established area of ancient woodland, which would screen the property from public vantage points. It is therefore considered that the proposal would be acceptable in design terms and would not result in a harmful impact on the countryside character of the area. As such it would accord with the above mentioned policies.

Highways Matters

Policy DP21 the Mid Sussex District Plan requires development to: be sustainably located to minimise the need for travel; promote alternative means of transport to the private car, including provision of suitable facilities for secure and safe cycle parking; not cause a severe cumulative impact in terms of road safety and increased traffic congestion; be designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages; and provide adequate car parking in accordance with parking standards as agreed by the Local Planning Authority or in accordance with the relevant Neighbourhood Plan.

Paragraph 116 of the NPPF states; *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.'*

The proposal does not seek to alter the existing vehicular entrance to the site and due to the nature of the application it is considered that a similar level of vehicular movements will occur at the site. As such it is not considered to adversely impact the wider road network. The proposal seeks to retain the existing triple garage building and the submitted plans show a surfaced area to the north of the proposed dwelling is to be retained. The WSCC Parking Guidance establishes that three parking spaces would be required in this location, which the above space would be able to accommodate. Cycle storage could also be provided within the outbuildings that are to be retained.

Taking into account the above, it is considered that policy DP21 would be met and therefore there are no highway, access or parking grounds to resist the proposal.

Residential Amenity

Policy DP26 of the Mid Sussex District Plan stipulates that development does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight.

Policy CDP05 of the Crawley Down Neighbourhood Plan is also considered to be relevant and, in part, states:

'Subject to the other policies of this Neighbourhood Plan; Within the Crawley Down Neighbourhood Plan Area, planning permission will be granted for residential development subject to the following criteria: c) Amenities such as access, noise, privacy, daylight, sunlight and outlook of adjoining residents are safeguarded'.

Policy CDP05 states that proposals should 'safeguard' adjoining neighbours amenity whereas policy DP26 of the MSDP states that development should not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution. There is therefore some conflict between the District Plan and Neighbourhood Plan in this respect. Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published. As such, policy DP26 of the MSDP is considered to take precedence and therefore the test in this instance is whether the development causes significant harm to neighbouring amenities as outlined above.

A similar ethos is found within Principles DG45, 46, 47 and 48 of the Mid Sussex Design Guide.

The proposed dwelling would be located well within the site. It is to be set away from Thornbury, to the east, by an area of Ancient Woodland and will remain set behind Hill View to the west. Due to the distances between neighbouring houses, whilst the proposed house would increase in scale, it is considered that there would not be a harmful impact in terms of loss of light, outlook, or privacy. Due to the proposal relating to a replacement dwelling it is considered that there would not be a harmful impact in terms of noise, air or light pollution. Taking into account the above the proposal is not considered to cause significant harm to the amenities of nearby residents and future occupiers and is considered to comply with the above-mentioned policies.

Dwelling Space Standards

The Government's Technical Housing Standards - Nationally Described Space Standards document was published in March 2015. It sets out space standards for all new residential dwellings, including minimum floor areas and room widths for bedrooms and minimum floor areas for storage, to secure a satisfactory standard of accommodation for future residents. Policy DP27 of the District Plan supports this.

A 4-bedroom 8-person, 2 storey dwelling is required to provide a minimum gross internal floor area of 124 square metres and 3.0 sqm of built-in storage. It is considered that the proposed dwelling would accord with these requirements and would therefore comply with policy DP27 of the Mid Sussex District Plan and the Government's Technical Housing Standards - Nationally Described Space Standards document.

Flood Risk and Drainage

Policy DP41 relates to flood risk and drainage and requires development to demonstrate it is safe across its lifetime and not increase the risk of flooding elsewhere.

Policy CDNP06 of the Crawley Down Neighbourhood Plan reflects this ethos.

Para 170 of the NPPF relates to planning and flood risk and states:

'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.'

The Council's Drainage Officer has confirmed that based on the information that has been submitted they raise no objection on drainage or flood risk grounds. Additional details of the proposed flood risk and drainage strategy can be secured by a suitable worded condition. The proposal, subject to the recommended conditions it is therefore considered to comply with Policy DP41 of the Mid Sussex District Plan.

Trees and Ecology

Policy DP37 of the Mid Sussex District Plan in part states:

'The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected.'

This policy also relates to ancient woodland:

'Development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary.'

With regards to ecology, policy DP38 of the District Plan states in part that:

'Biodiversity will be protected and enhanced by ensuring development:

- Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and*
- Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and...*

Policy CDNP09 of the Neighbourhood Plan is also considered to be relevant:

'Proposals for new residential, employment and retail development will be expected to protect and enhance biodiversity and wildlife. In particular planning applications for these proposals will be assessed against the following criteria:

- a. The safeguarding or protection of designated sites, protected species, ancient or species rich hedgerows, shaws, grasslands and woodlands;*

- b. *The provision of appropriate buffer zones around designated sites or features and/or the implementation of appropriate mitigation features.*
- c. *The safeguarding and preservation of ecological networks*
- d. *The protection of trees of arboricultural or amenity value*
- e. *The appropriate planting of new native trees and hedges'.*

In terms of trees, the Tree Officer acknowledges that the existing house is already within the root protection area (RPA) of existing trees. The new dwelling is to affect fewer trees, a lower percentage of the RPA and no trees are to be removed to facilitate the development. Whilst some trees would be affected, the submitted information and method statement are such that no objection is raised, subject to the development being carried out in accordance with these details.

The Council's Ecologist has commented on the application and stated that the submitted measures and information is sufficient enough to determine the application and subject to the imposition of conditions and compliance with the submitted information any protected species or their habitats within the site would be adequately protected.

The recommended condition relating to bats, however, is sought to secure a licence or a statement from Natural England where one is not required. The established tests for planning conditions sets out that they should not be used to duplicate other existing legislation or processes. As this condition seeks to evidence that the development is being undertaken in relation to The Conservation of Habitats and Species Regulations 2017 (as amended) and Natural England's processes, it is concluded that it should not be attached to any consent.

The Council's Newt Officer has also been consulted on the application and advised that the site has the potential to be suitable for Great Crested Newts. Whilst information was provided in the submitted Preliminary Ecological Appraisal, a precautionary working method statement had not been provided. An updated Preliminary Ecological Appraisal was submitted during the course of the application, containing this information, and the Newt Officer has confirmed that they are satisfied with this document. A condition can be attached to any permission to ensure that the development is carried out in accordance with these requirements.

Taking into account the above the proposal is considered to comply with the policy DP37 and DP38 of the Mid Sussex District Plan and the relevant paragraphs of the NPPF.

Sustainability

Policy DP39 of the District Plan relates to Sustainable Design and Construction and requires development proposals to improve the sustainability of development and should where appropriate and feasible according to the type and size of development and location, incorporate measures including minimising energy use through the design and layout of the scheme; maximise efficient use of resources, including minimising waste and maximising recycling/re-use of materials through both construction and occupation; and also to limit water use to 110 litres/person/day.

At national level Paragraph 161 of the NPPF states:

'The planning system should support the transition to net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.'

While Paragraph 166 states:

'In determining planning applications, local planning authorities should expect new development to:
a) *comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*

b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'

Information relating to this has been provided within the Design, Access and Planning Statement. It sets out that the proposal would include the following measures:

- A combination of 2/4 litre low flush toilets, aerated taps and shower heads to reduce water consumption,
- Achieve less than 110 litres/person/day,
- High levels of thermal insulation will be used within the construction of the dwelling,
- Water efficient white goods,
- Rainwater harvesting,
- Solar panels with batteries,
- Mechanical ventilation and heat recovery systems, and
- Air Source Heat Pump.

Details of which can be secured by condition, consequently, the proposal is deemed to comply with Policy DP39 of the District Plan and the relevant provisions of the NPPF.

Self -Build

The proposal has been submitted to be a self-build dwelling as defined under the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016). The Act does not distinguish between self-build and custom housebuilding and provides that both are where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals.

The Local Planning Authority must now grant 'suitable development permissions' in respect of enough serviced plots of land to meet the demand for self-build and custom housing building in the authority's area.

Policy DP30 of the District Plan relates to housing mix and states:

'To support sustainable communities, housing development will:

- o provide a mix of dwelling types and sizes from new development (including affordable housing) that reflects current and future local housing needs;*
- o meet the current and future needs of different groups in the community including older people, vulnerable groups and those wishing to build their own homes. This could include the provision of bungalows and other forms of suitable accommodation, and the provision of serviced self-build plots; and*
- o on strategic sites, provide permanent pitches for Gypsies and Travellers and Travelling Showpeople, as evidenced by the Mid Sussex District Gypsy and Traveller and Travelling Showpeople Accommodation Assessment or such other evidence as is available at the time; or the provision of an equivalent financial contribution towards off-site provision (or part thereof if some on-site provision is made) if it can be demonstrated that a suitable, available and achievable site (or sites) can be provided and made operational within an appropriate timescale, commensurable with the overall scale of residential development proposed by the strategic development; and serviced plots for self-build homes where a need for such accommodation is identified.*
- o If a shortfall is identified in the supply of specialist accommodation and care homes falling within Use Class C2 to meet demand in the District, the Council will consider allocating sites for such use through a Site Allocations Document, produced by the District Council.*

Evidence of housing need will be based on the best available evidence (including local evidence provided to support Neighbourhood Plans).'

The proposal to provide a self-build home is a material consideration in the determination of the application which is supported by planning policy. This provides a positive benefit to the proposed development.

Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. Under the statutory framework for biodiversity net gain this application is deemed to have been granted subject to the biodiversity net gain condition for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.

The biodiversity net gain condition is set out in the Town and Country Planning Act 1990, Schedule 7A, Part 2, 13 (2). It states:

'The condition is that the development may not be begun unless—

- (a) a biodiversity gain plan has been submitted to the planning authority (see paragraph 14), and*
- (b) the planning authority has approved the plan (see paragraph 15)'.*

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. Under the statutory framework for biodiversity net gain this application comprises development below the de-minimis threshold meaning that this development is exempt from providing biodiversity net gain.

PLANNING BALANCE AND CONCLUSION

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the Development Plan and then to take account of other material planning considerations including the NPPF. The Development Plan in this instance consists of the Mid Sussex District Plan, the Site Allocations Development Plan Document and the Crawley Down Neighbourhood Plan.

For the reasons set out within the assessment section, it is considered that the application complies with Mid Sussex District Plan policies DP12, DP15, DP16, DP21, DP26, DP27, DP30, DP37, DP38, DP39 and DP41 and Crawley Down Neighbourhood Plan policies CDNP05, CDNP06 and CDNP09.

As a result, it is considered that the application complies with the development plan when read as a whole. This is not the end point as planning law requires that 'where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise'.

As the Council is currently unable to demonstrate a five year supply of deliverable housing sites, it follows that the relevant policies for the supply of housing from the development plan are out-of-date (footnote 8 of paragraph 11 NPPF). As such, reduced weight should be given to these policies.

In these circumstances paragraph 11 of the NPPF provides for a presumption in favour of sustainable development which means that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole (having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination), or specific policies in the NPPF that protect areas or assets of particular importance provide a strong reason for refusing the development.

The Council is currently unable to demonstrate a five year supply of deliverable housing sites and the proposal would not result in a net increase in dwellings on the site. The proposal would result in construction jobs over the life of the build. Whilst mandatory, the fact that the proposal will deliver a net gain in biodiversity should be given positive weight in the planning balance. A self-built dwelling would arise as a result of the development. Due to the small scale of the development proposed, however, these benefits would be very limited.

The proposal would have a neutral effect in terms of design/character, impact on the countryside, highways and parking, neighbouring amenity, ecology, sustainable design, housing standards and flood risk and drainage.

In weighing up these issues, when taken together, it is considered that there are no adverse impacts of the development which would significantly or demonstrably outweigh the benefits of the proposal.

There are no other material considerations that would alter the above planning balance.

Overall, the planning balance is considered to fall significantly in favour of granting planning permission.

Decision: Permission

Case Officer: Caroline Grist